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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,716	11/20/2001	Philip Lui	1552/2A	9617

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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*

<b>Office Action Summary</b>	<b>Application No.</b> 09/989,716	<b>Applicant(s)</b> LUI ET AL.	
	<b>Examiner</b> Boris Pesin	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-27 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-27 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a)  All    b)  Some \*    c)  None of:  
         1.  Certified copies of the priority documents have been received.  
         2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

Claim(s) 1 of patent #6340977 contain(s) every element of claim(s) 27 of the instant application and as such anticipate(s) claim(s) 27 of the instant application.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

***Claim Rejections - 35 USC § 102***

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Linnett et al. (US 6388665).

In regards to claim 1, Linnett teaches a computer-based assistance system for providing operational guidance of commands to use a computer program, the assistance system comprising: a command indicator for visually indicating to a user a portion of a display of the computer program corresponding to a specific command to be executed (i.e. Figure 2, shows numerous visual command indicators to start a program); and an interactive assistance object, responsive to the command indicator indicating the specific command, for interacting with the user to guide the user in execution of the specific command (i.e. *"Each specialist character has a personality and a demeanor that is well suited for its specialized task. Moreover, its vocabulary is especially adapted for the task at hand and it may have a greater helpfulness index to provide the user with a greater amount of assistance than the personal character. The specialist character is an expert that helps the user to better perform a critical specialized task."* Column 5, Line 49).

In regards to claim 2, Linnett teaches an assistance system wherein the interactive assistance object includes an animation generator for generating an

animated character to visually interact with and guide the user to execute the indicated specific command (i.e. Figure 3, Elements 37 and 37).

In regards to claim 3, Linnett teaches an assistance system wherein the animation generator generates a plurality of animated characters to visually interact with each other to guide the user to execute the indicated specific command (i.e. Figure 5).

In regards to claim 4, Linnett teaches an assistance system wherein the interactive assistance object includes a text message generator for displaying on the display a text message associated with the indicated specific command to guide the user to execute the indicated specific command (i.e. Figure 3, Element 37).

In regards to claim 5, Linnett teaches an assistance system wherein the interactive assistance object includes an audio message generator for generating audio prompts to audibly interact with and guide the user to execute the indicated specific command (i.e. "*The retrieved snippets may also act as input to a voice synthesis portion of the system that produces corresponding audio output.*", Column 8, Line 6).

Claims 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmer et al. (US 5488685).

In regards to claim 18, Palmer teaches a computer-based assistance system for providing operational guidance of commands to use a computer program, the assistance system comprising: a search tool for searching through a plurality of records representing a host application to determine at least one assistance item key mapping a sequence corresponding to respective controls for implementing a particular command

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(i.e. "As illustrated in FIG. 13, the look for screen 200 also includes a search button function 215." Column 9, Line 63); and a sequence processor, responsive to the at least one assistance item key, for implementing the particular command (i.e. *"Upon sensing the selection of the help inquiry, the CPU 52 then generates and displays the presentation window 165, as previously described with reference to FIGS. 7 and 11. The user then may further define the help request by selecting one of the three (as shown in the example of FIG. 15) criteria displayed in the presentation window 165."* Column 10, Line 12).

In regards to claim 19, Palmer teaches a computer-based assistance system, wherein the sequence processor processes the plurality of assistance item keys in synchronization with user-driven events (i.e. *"Upon sensing the selection of the help inquiry, the CPU 52 then generates and displays the presentation window 165, as previously described with reference to FIGS. 7 and 11. The user then may further define the help request by selecting one of the three (as shown in the example of FIG. 15) criteria displayed in the presentation window 165."* Column 10, Line 12)."

In regards to claim 20, Palmer teaches a computer-based assistance system, wherein the at least one assistance item keys is fixed in a predetermined order (i.e. Figure 15, Element 165).

In regards to claim 21, Palmer teaches a computer-based assistance system, wherein the at least one assistance item key is dynamically generated in response to the user-driven events (i.e. Figure 15, Element 165).

In regards to claim 22, Palmer teaches a computer-based assistance system, wherein the user selects the first search tool from a plurality of available search tools (Figure 14, The user selected "find a file or folder").

In regards to claim 23, Palmer teaches a computer-based assistance system, further comprising: a commentary generator, responsive to the processing of each control, for generating an available commentary to the user corresponding to the processing of the respective control (i.e. Figure 30, Element 355).

In regards to claim 24, Palmer teaches a computer-based assistance system, wherein the commentary generator generates visual messages as the commentary for output to the user through a display (i.e. Figure 30, Element 355).

In regards to claim 25, Palmer teaches a computer-based assistance system, wherein the commentary generator generates animation as the visual messages (i.e. "*rendering is intentionally slower than other CPU operations on the display and appears to the user as if animated*" Column 14, Line 22).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6, 11, 12, 13, 14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnett et al. (US 6388665) in view of Palmer et al. (US 5488685).

In regards to claim 6, Linnett teaches all the limitations of claim 1. He does not teach an assistance system, wherein the interactive assistance object adaptively responds to user inputs to continually guide the user to execute the indicated specific command. Palmer teaches, "*The selection of one of the phrases results in the display of a presentation window containing help instruction data to guide the user in the particular help task specified by the entry and phrase selection. To further assist the user, visual cues in the form of coach marks are generated for identifying features on the display which relate to the information disposed within the presentation window, but may identify any feature on the display.*" Abstract, Line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Linnett with the teachings of Palmer and include a system that responds to user inputs to continually guide the user with the motivation to provide a more convenient system of guiding the user in performing a specific task.

In regards to claim 11, Linnett teaches all the limitations of claim 1. He does not teach a system wherein the command indicator visually indicates the portion of the display by focusing the attention of the user to a predetermined region of the display surrounding the specific command. Palmer teaches system wherein the command indicator visually indicates the portion of the display by focusing the attention of the user to a predetermined region of the display surrounding the specific command (i.e. Figure 30, Element 358). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Linnett with the teachings of Palmer and include a system to visually indicate a portion of the display with the motivation to provide for a more convenient method of pointing out an object to the user.

In regards to claim 12, Linnett and Palmer teach all the limitations of claim 11. Linnett does not teach an assistance system, wherein the focusing includes overlaying a rectangular box as the predetermined region on the display of the computer program with the box surrounding the specific command of the computer program. Palmer teaches overlaying a rectangular box as the predetermined region on the display of the computer program with the box surrounding the specific command of the computer program (i.e. Figure 30, Element 358). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Linnett with the teachings of Palmer and include a system to visually indicate a portion of the display with the motivation to provide for a more convenient method of pointing out an object to the user.

In regards to claim 13, Linnett and Palmer teach all the limitations of claim 11. Linnett does not teach an assistance system, wherein the computer program represents

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commands by corresponding actuable regions on the display; and wherein the focusing includes providing a substantially distinct appearance of the indicated portion of the display, with the distinct appearance being different from the appearance of the actuable region associated with the displayed specific command. Palmer teaches wherein the computer program represents commands by corresponding actuable regions on the display; and wherein the focusing includes providing a substantially distinct appearance of the indicated portion of the display, with the distinct appearance being different from the appearance of the actuable region associated with the displayed specific command (i.e. Figure 30, Element 358).

In regards to claim 14, Linnett and Palmer teach all the limitations of claim 13. Linnett does not teach an assistance program wherein the appearance of the indicated portion includes a displayed color. Palmer teaches, "As in the example of FIGS. 29 and 30 upon generating the presentation window 360, the CPU 52 further generates a circular coach mark 370 which encircles a button function entitled "More Choices" 372, and displays the coach mark in a translucent color." (Column 15, Line 6).

In regards to claim 16, Linnett and Palmer teach all the limitations of claim 14. Linnett does not teach an assistance program wherein wherein the appearance of the indicating portion includes a displayed shape. Palmer teaches, "*As in the example of FIGS. 29 and 30 upon generating the presentation window 360, the CPU 52 further generates a circular coach mark 370 which encircles a button function entitled "More Choices" 372, and displays the coach mark in a translucent color.*" (Column 15, Line 6).

In regards to claim 17, Linnett and Palmer teach all the limitations of claim 16. Linnett does not teach a system wherein the substantially distinct appearance of the indicating portion includes providing an animated displayed shape for the indicating portion. Palmer teaches, "*rendering is intentionally slower than other CPU operations on the display and appears to the user as if animated*" (Column 14, Line 22).

Claims 7, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnett et al. (US 6388665) in view of Clark et al. (US 5995101).

In regards to claim 7, Linnett teaches all the limitations of claim 1. He further teaches, a system wherein the computer program operates with the user through a graphic user interface (GUI), including movements and actuations of a current screen position indicator (CSPI) (i.e. "*A passageway is a special kind of object that when clicked on (i.e., when the cursor points to the object and the mouse button is quickly pressed and released) presents the user with a balloon. The balloon provides the option to jump to a specified room or to change the passageway.*" Column 12, Line 57). He does not teach a system wherein the interactive assistance object adaptively responds to movement of the CSPI on the GUI to guide the user to execute the indicated specific command. Clark teaches, "*A graphical user interface (GUI) for use in a graphical display on a computer monitor includes a cursor that allows a user to point to an area of interest in the graphical display. The GUI also includes an information*

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*element that provides a first level of information in the graphical display when the user first points to the area of interest and then provides a subsequent level of information in the graphical display if the user continues to point to the area of interest or presses a selected keystroke.*" Abstract, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Linnett with the teachings of Clark and include an assistance object to adapt to movement of the CSPI with the motivation to provide for more useful feedback to the user.

In regards to claim 8, Linnett and Clark teach all the limitations of claim 7. Linnett further teaches a system wherein the CSPI is a cursor (i.e. Column 12, Line 57).

In regards to claim 9, Linnett and Clark teach all the limitations of claim 8. Linnett further teaches a system wherein the CSPI moves in response to corresponding movements of a mouse device (i.e. Column 12, Line 57).

In regards to claim 10, Linnett and Clark teach all the limitations of claim 9. Linnett further teaches, a system wherein the interactive assistance object responds to the cursor movement by prompting the user to move the mouse and thereby the cursor to the indicated specific command displayed on the GUI (i.e. Figure 3, Element 37).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linnett et al. (US 6388665) in view of Palmer et al. (US 5488685) in further view of Loring et al. (US 6002400).

In regards to claim 15, Linnett and Palmer teach all the limitations of claim 14. They do not teach an assistance system wherein the substantially distinct appearance

of the indicating portion includes changing the displayed color to appear to flash. Loring teaches, "*Handles can spin, animate or flash in order to attract a user's attention.*" (Column 5, Line 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Linnett and Palmer with the teachings of Loring and include objects that appear to flash with the motivation to provide for a more user-friendly interface.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. (US 5488685) in view of Linnett et al. (US 6388665).

In regards to claim 26, Palmer teaches all the limitations of claim 23. Palmer does not teach a computer-based assistance system, wherein the commentary generator generates audio messages as the commentary for output to the user through a speaker. Linnett teaches, (i.e. "*The retrieved snippets may also act as input to a voice synthesis portion of the system that produces corresponding audio output.*", Column 8, Line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer with the teachings of Linnett and include a method to audibly provide feedback with the motivation to provide for a more convenient user experience.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (US 5513308).

In regards to claim 27, Mori teaches, a method for providing dynamic operational guidance of commands to use a computer program, the method comprising the steps of: iteratively searching a Host Application Model to locate a target graphic user

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interface object (GuiObj) corresponding to a command to execute (i.e. Column 5, Lines 40-44); determining a path through the Host Application Model from the target GuiObj to the current location of the user (i.e. Figure 14, and Column 9, Lines 10-17); and generating a dynamic guide sequence record from the path for executing the command (i.e. Column 5, Lines 44-54). Mori does not specifically teach locating a current location of a user in the Host Application Model. On the other hand, Mori teaches a current operation item detection unit (Figure 3, Element 405c, and Column 5, Lines 44-47), for "detecting a target operation item with reference to an operation state". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include user location as part of the current operation state because location can provide information about a user's competence.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6020886

Jacobson et al.

Teaches a system for generating animated help demonstrations.

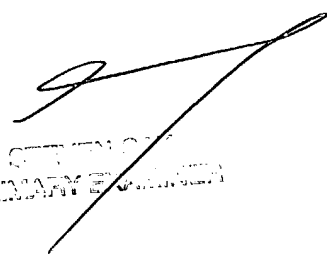
### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SUPERVISOR  
PRIMARY EXAMINER